



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105-3901

MAY 6 2013

OFFICE OF THE
REGIONAL ADMINISTRATOR

Colonel William J. Leady, District Engineer
U.S. Army Corps of Engineers, Sacramento District
1325 J Street, 14th floor
Sacramento, California 95814-2922

Subject: Permit Application No. SPK-1901-09804 for the proposed Delta Wetlands Project,
Contra Costa and San Joaquin Counties, California

Dear Colonel Leady:

On April 11, 2013, the U.S. Environmental Protection Agency provided comments in response to your District's Public Notice for a Clean Water Act (CWA) Section 404 permit for the proposed Delta Wetlands Project (enclosed). This letter identified the permit as a candidate for our headquarters' review pursuant to our agencies' Memorandum of Agreement implementing CWA Section 404(q).

We appreciated the opportunity to meet with your staff and the applicant on April 24, 2013. Although our discussion was productive and encouraging, the project's complexity, impacts, and remaining data gaps necessitate that we respectfully maintain our objections at this time, on the basis that permit approval as proposed will have substantial and unacceptable impacts to the Sacramento San Joaquin Delta (Delta), an aquatic resource of national importance.

The proposed project would result in loss or conversion of 2,156 acres of waters, including freshwater marsh and forested wetlands, and could affect the direction and magnitude of freshwater flows in the Delta. As the source of critical municipal and agricultural water supply, endangered species habitat, and recreation for millions of Californians, it is imperative that significant changes to the Delta's hydrodynamics—such as those proposed by this project—be carefully planned in coordination with the many projects advancing in this already heavily modified system. We are particularly concerned about the potential for a cascade of negative effects to salinity, dissolved oxygen, temperature, and ultimately native fish populations and drinking water supplies. We also recognize the potential for this project to leverage beneficial outcomes through partnerships, and potentially advance the latest thinking on carbon and methylmercury sequestration, among other mitigation possibilities.

Thank you for your ongoing partnership implementing the programs of the CWA and protecting human health and the environment. Please call me at (415) 972-3572 with any questions, or have your Regulatory Division Chief contact Jason Brush, our Wetlands Office Supervisor, at (415) 972-3483.

Sincerely,

A handwritten signature in dark ink, appearing to read "J. Blumenfeld".

Jared Blumenfeld

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Enclosure:

EPA Letter Dated April 11, 2013

cc:

Delta Wetland Properties

Ms. Maria Rea
National Marine Fisheries Service, Southwest Region

Mr. Mike Chotkowski
US Fish and Wildlife Service, Bay Delta Office

Ms. Elizabeth Lee
Central Valley Regional Water Quality Control Board

Ms. Katherine Mrowka
State Water Resources Control Board, Division of Water Rights